

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

FILED

JUL 12 2018

Clerk, U.S. Courts
District Of Montana
Missoula Division

TIMOTHY ERIC RITESMAN,

Petitioner,

vs.

JAMES SALMONSON, ATTORNEY
GENERAL OF THE STATE OF
MONTANA,

Respondent.

CV 18-93-M-DLC-JCL

ORDER

United States Magistrate Judge Jeremiah C. Lynch entered his Order and Findings and Recommendation on June 1, 2018, recommending that Petitioner's Petition for Writ of Habeas Corpus (Doc. 1) be dismissed for failure to exhaust. (Doc. 3 at 6.) Petitioner failed to timely object to the Findings and Recommendation and so has waived the right to de novo review thereof. 28 U.S.C. § 636(b)(1)(C). Absent objection, this Court reviews findings and recommendations for clear error. *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc); *Thomas v. Arn*, 474 U.S. 140, 149 (1985). Clear error exists if the Court is left with a "definite and firm conviction that a mistake

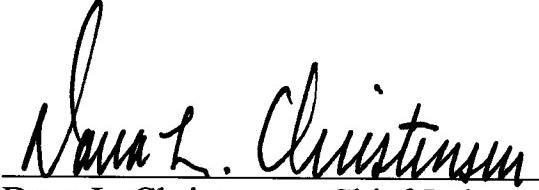
has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000) (citations omitted).

After reviewing for clear error and finding none,

IT IS ORDERED that Judge Lynch’s Order and Findings and Recommendation (Doc. 3) are ADOPTED IN FULL and the Petition (Doc. 1) is DISMISSED as unexhausted.

IT IS FURTHER ORDERED that the Clerk of Court is directed to enter a judgment of dismissal by separate document.

IT IS FURTHER ORDERED that a certificate of appealability is DENIED.
DATED this 12th day of July, 2018.



Dana L. Christensen
Dana L. Christensen, Chief Judge
United States District Court